

**Minutes of the  
Tobacco Education and Research Oversight Committee (TEROC)**

Meeting on May 19, 2003

Continental Plaza Auditorium

601 Noth 7<sup>th</sup> Street

Sacramento, CA 95814

**MEMBERS PRESENT :**

Bruce Allen, Ron Arias, Lourdes Baézconde-Garbanati, Theresa Boschert, Gregory Franklin, Alan Henderson, Kirk Kleinschmidt, Rod Lew, Cheryl Raney, Deborah Sanchez, and Dorothy Rice

**MEMBERS ABSENT :**

Stella Aguinaga Bialous and Susan Hildebrand-Zanki

**OTHERS IN ATTENDANCE:**

Lisa Adamson, Union Mine High School (UMHS), El Dorado Union High School District (EDUHSD)

Josh Alpert, Americans for Non-Smokers Rights

Dileep G. Bal, Chief, Cancer Control Branch, Department of Health Services (DHS)

Bruce Baldwin, Butte County Office of Education

Inelva Carvajal, American Lung Association (ALA)

Sheri Cobra, San Joaquin County Office of Education (SJCOE)

Betsy Dodds, Placer County Office of Education

Brian Douglas, Oak Ridge High School (ORHS), EDUHSD

Linda Fong, Asian Pacific Islander Tobacco Education Network (APITEN)

Larry Gruder, Tobacco Related Disease Research Program (TRDRP), University of California (UC)

Tonia Hagaman, Local Programs Unit (LPU), Tobacco Control Section (TCS), DHS

Cynthia Hannah, Media Campaign Unit (MCU), TCS, DHS

Mike Hazlip, Data Analysis and Evaluation Unit (DAEU), TCS, DHS

Rich Heintz, Local Lead Agency Project Directors' Association

Janet Henke, ORHS, EDUHSD

Rosanna Jackson, LPU, TCS, DHS

Kathony Jerauld, DAEU, TCS, DHS

Diane Kiser, ALA, Bar and Restaurant Employees Against Tobacco Hazards (BREATH)

Ann Kneikelbein, Folsom-Cordova Unified School District

John Lagomarsino, Safe and Healthy Kids Program Office (SHKPO), California Department of Education (CDE)

Roberta Lawson, LPU, TCS, DHS

Jon Lloyd, Chief, DAEU, TCS, DHS

Rebecca Lourenco, LPU, TCS, DHS

Donald Lyman, Chief, Division of Chronic Disease and Injury Control, DHS

Ryan Mackey, Ripon School District

Cindy Macklin, SHKPO, CDE

Peter Mackler, Southern California Policy Liaison, Director's Office, DHS

Carolyn Martin, ALA

Jamie Morgan, American Heart Association

Rose Morrison, ORHS, EDUHSD

Sharon Muraoka, American Cancer Society (ACS)

Tony Najera, Consultant, DHS Director's Office

Greg Oliva, Chief, Program Planning and Policy Development, TCS, DHS

Michael Ong, UC San Francisco  
Cathy Palmer, Chief, Administrative and Contract Support Unit, TCS, DHS  
Doug Robins, Chief, LPU, TCS, DHS  
April Roeseler, Chief, Local Programs and Evaluation, TCS, DHS  
Meredith Rolfe, Chief, SHKPO, CDE  
Bill Ruppert, TCS, DHS  
Kristin Shelton, California Department of Finance (DOF)  
Carol Lynn Smith, SJUSD  
Colleen Stevens, Chief, MCU, TCS, DHS  
Evie Taylor, UMHS, EDUHSD  
Caroline Thiboden, Manteca Unified School District  
Claradina Toya, American Indian Tobacco Education Network (AITEN)  
Michael Tucker, DOF  
Traci Verardo, Next Generation California Tobacco Control Alliance  
Khrannon Webb, UMHS, EDUHSD  
Joanne Wellman-Benson, LPU, TCS, DHS  
Rhonda West-Peters, African American Tobacco Education Network  
Joan Meis Wilson, SJUSD  
Amy Wong, APITEN

## **1. WELCOME, INTRODUCTIONS, AND OPENING COMMENTS**

The Chairperson, Kirk Kleinschmidt, called the meeting to order at 10:10 a.m. Each of the Committee members introduced themselves. Members of the audience also introduced themselves and identified their affiliations.

On behalf of the Director of DHS, Mr. Peter Mackler welcomed and introduced the newly appointed member of TERO, Ms. Deborah Sanchez, who is a Deputy City Attorney for Los Angeles. Ms. Sanchez explained some of her background, including that she has been working on a black market cigarette task force for two years, on youth access issues, and other public health issues.

## **2. APPROVAL OF MINUTES, REVIEW OF CORRESPONDENCE, AND ANNOUNCEMENTS**

The minutes for the January 13, 2003, TERO meeting were approved with two changes to CDE's Report. The Chairperson reviewed some of the correspondence in the meeting packet, and he noted that the letter from Dr. Stan Glantz would be discussed later in the meeting.

The Chairperson announced that the recipient of the Carol M. Russell Award for 2003 is Ms. Diane Kiser, Director of the BREATH program through ALA. He commended Ms. Kiser for her leadership, vision, passion, commitment, and achievements in tobacco control and significant contributions towards norm change in California. Ms. Kiser thanked the tobacco control community for this honor. She spoke briefly concerning the need to reopen the smoke-free worksite laws and close the gaps in the next year or two. She pointed out that San Mateo County has closed all gaps. She stated that the workers in Native American casinos and the under-served hotel/motel workers deserve a smoke-free work place. She requested that the Committee send a letter to the Governor to encourage the compacts between the state and the Native American tribes include negotiations for smoke-free worksites. She said that other states and countries continue to look to California for help in passing smoke-free worksite laws, and she concluded by saying that there is growing discussion of banning tobacco use completely. A discussion concerning Ms. Kiser's request followed: that the Committee is interested in making

this recommendation to the Governor, that the Committee also wants to be sensitive to the Native American community and its sovereignty, that the American Indian Tobacco Control Network is working with the tribal governments to get them to establish tobacco-free casinos without outside requirements, and that the Committee must first communicate concerning this matter with tobacco control advocates within that community. The Chairperson appointed an ad hoc task force to look into this and work on a draft letter to the Governor as quickly as possible and communicate with the rest of the Committee. He noted that the state and tribal compacts are currently being negotiated and time is of the essence.

### **3. ENVIRONMENTAL DEVELOPMENTS**

The Chairperson and members announced that:

- The California tobacco control media campaign is under attack from two tobacco companies with a lawsuit, and a hearing is coming up soon. Within the week following the filing of the lawsuit, some members of the Committee participated in a press conference with the Governor at UC Los Angeles to announce the new media ads, and during the press conference the Governor said that if the tobacco industry (TI) wants a fight he is ready for a fight. The American Heart Association (AHA), ALA, and ACS are all considering filing Amicus Briefs in support of DHS in the suit, if necessary. TEROC will send a letter to the Governor commending him for his support for a strong media campaign.
- In connection with the class action lawsuit in Illinois against TI contending false advertising for light and low tar cigarettes, Attorney General (AG) Bill Lockyer has chosen not to sign on with more than 30 other states to approve the reduction of the bond that TI must post. TEROC will send a letter to AG commending him for taking the strong position in the Illinois lawsuit and for taking the position to keep the pressure on TI to comply with the master settlement agreement (MSA).
- There are indications that the Bush Administration is now moving from active suppression to support for the World Framework Convention Public Health Treaty on tobacco control. There is another important meeting this week on the Framework.
- Smoke-free work places continue to move across the country. New York, Connecticut, and Maine, as well as many local communities, are at various stages of passing smoke-free laws. California needs to move forward to close existing loopholes in the smoke-free worksite laws.

### **4. LEGISLATIVE UPDATE**

Ms. Jamie Morgan from AHA passed out material on tobacco related legislation (see enclosed) and explained the status of the bills; the Committee discussed some of these.

Ms. Morgan pointed out that the May version of the Governor's budget proposal includes a 23-cent increase in tobacco tax for fiscal year (FY) 2003-04 and an additional 40-cent increase for FY 2004-05, with no amount earmarked for prevention. She added that the Coalition for a Healthy Future continues to advocate for a \$1.50 per pack tobacco tax increase with 20 cents earmarked for prevention. She noted a number of legislators have signed on supporting the \$1.50 per pack increase with the portion earmarked for prevention (see enclosed list).

The Committee moved and approved sending letters: 1) to Assembly Member Montañez in support of Assembly Bill (AB) 1033 asking her not to give in to the smokeless tobacco lobby, and 2) to Assembly Member Vargas in support of AB 846.

## **5. BUDGET AND FINANCE UPDATE**

Mr. Michael Tucker from DOF handed out a two-page budget spread sheet (see enclosed) and explained the significant Proposition (Prop) 99 changes in the May version of the Governor's budget proposal.

- In the January proposed budget, a substantial reduction in tobacco tax revenue was projected as a result of a \$1.10 per pack tobacco tax increase proposed to support the Governor's realignment plan. Now, since the Governor decided to delay the realignment, the \$15.1 million realignment reduction has been restored to Prop 99 budget.
- Because the realignment has been delayed, the proposed \$1.10 tobacco tax increase has been reduced to 23 cents for budget year and an additional 40 cents the following year. The tax increase proposal includes a backfill provision.
- The Prop 10 backfill amount of \$10.4 million for FY 2002-03, one-time funds, has been reaffirmed by the Board of Equalization (BOE), and Prop 10 backfill for future years has yet to be resolved by BOE. The Prop 10 backfill of Prop 99 goes to the Health Education and Research Accounts. In response to questions and expressions of frustration over BOE's various decisions and reconsiderations concerning Prop 10 backfill, Mr. Tucker said BOE would not be taking back the \$10.4 in backfill, the Prop 10 staff makes recommendations to BOE, and BOE makes its backfill decisions once a year in the autumn.
- With the additional resources, some of the earlier cuts to research, media, local lead agencies (LLAs), California Healthcare for Indigents Program (CHIP), and Rural Health Services have been restored. The Reserve Account was reduced a small amount.
- Regarding the \$2.8 million in unspent funds recovered from LLAs, Mr. Tucker said that all unspent funds revert back to the account from which they came and are reallocated.
- The state sold the first set of bonds in the securitization of MSA funds (\$2.5 billion), and has decided not to sell the second set of bonds (\$2.0 billion) as previously planned for sale in FY 2003-04. The bond market is currently flooded and the state has to pay a high rate of seven percent. As a result, there are \$173 million in MSA payments to the state and this will be made available for Healthy Families.

The Committee members thanked Mr. Tucker for his availability to the Committee and for his clear explanation of difficult material. After more discussion of the Prop 10 backfill issue and the uncertainty concerning how BOE now makes its decisions, the Committee moved and decided to request the Chairperson of BOE to come and meet with the Committee at the July meeting.

## **6. AGENCY BUDGET UPDATES**

The Chairperson asked the agencies to explain the effects of the May budget revision.

DHS/TCS provided a briefing paper (see enclosed) and stated that: TCS administration is still short \$1 million which would have to be handled by DHS' Budget Office, but no staff cuts are planned; the allocation table for LLAs will be re-run and the number receiving the minimum may be increased; the May proposed budget restores a portion of the cuts to the media; some of the 15 competitive grant applications that received passing scores and were denied may now receive a grant; and the evaluation will reduce the youth telephone survey for now, but is concerned about future monies to maintain the surveillance and evaluation. TCS reminded the Committee that the special population surveys are one-time since they were funded out of one-time augmentation of MSA funds, but the resulting data will be a valuable resource for future TRDRP research.

CDE/SHKPO said their workgroup met on May 8, 2003, and recommended that the minimum allocation for the grades 4th through 8th entitlement program be increased to \$3,000 per site, thus ensuring at least a part time staff person. The money would come out of the funds for the high school competitive grants, amounting to an approximate \$1 million transfer. They said they wanted to focus on middle school students. They also said there is a need for greater collaboration between CDE evaluation and TCS evaluation.

## **7. HEALTH AND ECONOMIC EFFECTS OF INCREASED CIGARETTE EXCISE TAX**

Dr. Michael Ong from UC San Francisco, presented a summary of the report: *Health and Economic Effects of Two Proposals to Increase the California State Cigarette Excise Tax* (see enclosed). The report provides an analysis of the health and economic effects (on adults) of the \$1.10 tax increase originally proposed by the Governor and the \$2.13 tax increase proposed by Assembly Speaker Herb Wesson.

Currently California ranks 18th among states in the amount of taxes on a pack of cigarettes. The funding ratio for California tobacco control program in comparison to the amount spent by TI on marketing in the state used to be 1:4, now it is 1:10.

For every ten percent increase in the price of a pack of cigarettes there is a 2.2 percent decrease in demand ("price elasticity"). Yet even with the reduced demand, a \$1.10 per pack tax increase would yield \$806 million in increased excise and sales taxes to the state's general fund (GF), and a \$2.13 increase would yield \$1.59 billion to the GF. With a \$1.10 tax increase, 555,000 smokers would quit, and with a \$2.13 tax increase, 818,000 smokers would quit. Dr. Ong added that the currently proposed 63-cent increase would yield 56,000 smokers quitting the first year and 153,000 quitting the second year. He detailed the short and long term effects of the tax increases on decreasing heart attacks and other cardiovascular diseases, cancer, lung disease, low birth weight infants, childhood asthma, and sudden infant deaths, and he itemized the dollar savings in medical costs.

Concerning whether an increase in tobacco tax would result in a major increase in smuggling; Dr. Ong cited a 1999 survey (a year when there was a substantial increase in the tobacco tax) in which only five percent of smokers said that they would buy some cigarettes from out-of-state, the internet, military commissaries, American Indian casinos, or other non-tax sources.

Dr. Ong reported that most smokers do not buy their cigarettes by the carton; approximately 70 percent buy their cigarettes from small retailers, such as convenience stores or gas stations. He stated that even though such excise taxes are regressive, a substantial portion of the quitters would be the low-income smokers and the net benefit would be immense. He said the study team has not had a chance to look at these data in relation to kids.

## **8. PROGRAM REPORTS BY AGENCIES**

(Each agency sends a written report to TEROc prior to the meeting and responds to questions at the meeting.)

### **8a. UC, TRDRP Report**

TRDRP reported that they are currently deliberating over future direction of the tobacco research program, and that the TEROc MP objectives are playing a major role in this along with input from many sources. They highlighted the "other" section of the written report previously provided. TRDRP stated that their report to the Legislature should be out next

month; the number of applications submitted for research grants is up nine percent and the available funding for new grants is down ten percent; at least some of the increase in funding for FY 2003-04 may be added to the current funding decisions; a decision on the new director hopefully will be made in the next eight weeks, and the annual investigators meeting is scheduled for December 3, 2003 through December 4, 2003, in San Diego. They said the inter-agency collaboration meeting on April 18, 2003, was a very fruitful, positive meeting. It was primarily an exploratory meeting: they looked at past collaborations, the needs of the agencies, and the barriers to collaboration, and they drafted seven principles of collaboration. The next meeting is scheduled for September 27, 2003.

Dr. Gruder was complimented on following the format in the report and for his leadership in UC's tobacco related research over the past 12 years.

#### **8b. CDE, SHKPO Report**

CDE devoted most of the time for their oral report to a rebuttal to the letter that Dr. Stan Glantz had sent to the Committee. They said they had distributed Dr. Glantz' letter throughout the state education system, and had received several letters from the county offices of education (COE), school districts (SD), and schools. CDE had supplied these letters and their own written rebuttal to the Committee. The Chairperson said that there is a lot of material to digest, that the Committee will study the matter and continue it into the next meeting.

CDE said that Dr. Glantz was out of touch, that he used old information, that much has changed since he was a member of the Committee, and that he should have consulted with CDE before writing the letter. CDE said that their prevention and education program in the schools is as effective as evidenced by the reduction in youth prevalence. There is now a system in place whereby CDE can track how the money is spent.

Ms. Carolyn Martin, a former teacher and the first Chairperson of TERO, addressed the Committee saying that it was not the intent of the framers of Prop 99 that there be a triad approach to California's tobacco control program, but it was the implementing legislation that made the school system a component of the program. She said that the intent was that the program be dynamic, be evaluated, and change with experience. She added that there are 1,100 independent school districts in the state, some are doing a good job, others are not doing anything with the money and have no idea how the money is spent, and that an analysis must look not only at the data but also at the structure.

A summary of comments of the Committee members on the matter is as follows: the Committee should study evaluation results of the school-based program; a recent conversation with Dr. Rohrbach, who was the principle researcher on the school portion of the Independent Evaluation, indicated that there have been improvements in the overall in-school tobacco use prevention program; there are serious questions and lack of confidence about what is being done in the schools, the value for the money, and the outcomes; this concern has been raised by the Committee several times over the years and now the two letters (from Dr. Glantz and Ms. Martin) puts it back on the table and the Committee must deal with it or lay it to rest; the Committee must review the validity of the average daily attendance (ADA) allocation; there is need to look at the legislative mandate; and several mentioned the need for much more information on the subject.

The Chairman outlined an action plan:

- Send a response to Dr. Glantz acknowledging receipt of his letter and informing him that the Committee is studying the matter and will take action.
- Put this matter on the agenda for the next TEROC meeting to be held July 21, 2003.
- Examine the legislative language.
- Examine the results of the evaluations and other material regarding the effectiveness of the school-based program.
- Invite an expert from the Centers for Disease Control and Prevention's Office of Smoking and Health to present at the July TEROC meeting to give a broad national perspective on the matter.

CDE answered questions regarding CDE tobacco funding allocation worksheet, the list of grants in their written report, and said the dollar figures do not include the May budget revision. They said the administrative support line item should actually be \$1,300,000 instead of the \$931,000 figure shown on the chart. They passed out a sheet describing TUPE Competitive Grant Summary for the year 2003 awards (see enclosed). CDE responded positively that the federal anti-drug money (\$43 million for grades K-12) includes anti-tobacco purposes, and added that they did not know how much of those funds are spent for anti-tobacco purposes. The Chairperson asked how CDE could move the \$1 million from the high school competitive grant program to the elementary school entitlement program as described earlier. CDE responded that all of those monies are in the "local assistance" category, therefore, they have discretion over the allocation of those funds.

CDE introduced some county TUPE coordinators who testified in support of the effectiveness of the in-school tobacco prevention program and in support of continued funding for it. Teachers and student peer counselors from EDUHSD made a presentation on their program. They said a tobacco control program must have a multi-faceted approach to achieving behavioral change and it must be consistent. They presented examples of the peer counseling and cessation program, and provided data showing a decrease in lifetime smoking and 30-day smoking from 1999 to 2001 in their high school.

#### **8c. DHS, TCS Report**

TCS referred the Committee members to DHS' written report and to the unit chiefs present for any questions regarding its content. TCS highlighted some of the items in the report. In response to a question concerning actions to reverse the increase in illegal sales to minors, TCS described a large number of education and enforcement activities that have been directed to this issue over the past several months. DHS has been joined in this effort by AG's Office, the state Alcohol and Drug Program (ADP), DHS' Food and Drug Branch, and enforcement agencies. BREATH, ADP, and TCS have distributed information to all of the counties informing them of the dollars that would be lost to local areas if the federal block grants are cut as a result of the state's failure to meet the Synar Amendment requirements. A great amount of resources have been mobilized to this effort and this matter is a high priority for the Director of DHS.

In response to a question on the lawsuit, TCS explained that the TI lawsuit was filed on April 1, 2003 (April Fools Day), originally suing the State of California, DHS Director Dr. Bontá, and Dr. Bal in their official capacities. Now it is only Dr. Bontá and Dr. Bal.

The TI has identified 49 problem media ads that they consider unacceptable and contend:

- That their First Amendment rights are being violated by being forced to pay for ads, what they call “compelled speech.”
- That they are being denied fair trials because the minds of potential jurors have been prejudiced against the industry.
- That they are denied fair process because they have not been allowed to comment on the media ads before they are released.

The suit is not asking for damages. Instead, it is asking for a court injunction against ads harmful to the reputation of the companies. The voluntary agencies, other states, and national organizations have offered their support and are willing to file amicus briefs. The suit is taking an enormous amount of time, not only of Dr. Bal and other members of TCS, but also of the DHS legal staff and attorneys at the AG’s Office. The suit is intrusive; making other things come to a halt. California is seeking dismissal of the case and TI is seeking an injunction against showing the ads. TCS hopes the suit will be dismissed at the June 9, 2003, hearing.

TCS reported that changes continue to be made in streamlining the media approval process. DHS’ Director and the Administration are supportive and taking the lawsuit very seriously and pushing for direct, hard-hitting ads. As reported before, Dr. Bontá and her staff have met with the advertising agency in a concept meeting, and there will be regular meetings with high-level DHS staff. Aggressive ads against TI are currently in development and TCS will share as much as it can with the Committee.

TCS will receive from UC San Diego the first draft of the report on the 2002 California Tobacco Survey at the end of May 2003 and hopefully the final report will be available by the end of September 2003. The adult smoking prevalence rate is 16.6 percent. TCS will present at the July meeting some highlights from the 2001-02 in-school survey that includes data on students, teachers, administrators, and curriculum. A representative from CDE said there is need for more collaboration on the evaluation. There was a brief discussion of ideas to publicize in many ways the new 2001 Federal Trade Commission numbers on TI marketing in California that will be out soon. There were additional statements by CDE that the school-based tobacco education program is effective, that if there were problems before these have been corrected, and that further collaboration would dismiss any confusion or doubt concerning that. TCS was asked and agreed to present the principal findings from the Independent Evaluation regarding the school-based program at the July 21, 2003, meeting along with the findings from the most recent in-school survey.

## **9. TAX EARMARK CAMPAIGN UPDATE**

The Chairperson announced Cindy Lewis from the Campaign for Tobacco Free Kids was unable to be at this meeting. He acknowledged that the Campaign for Tobacco Free Kids, as well as the voluntary agencies, has put in a great amount of time and other resources towards an increase in the California tobacco excise tax. The website for this effort is: [www.healthyfuture.net](http://www.healthyfuture.net). He read the list of legislators who have signed onto support of a \$1.50 tax increase with 20 cents for prevention and asked people whose legislator has not signed on to urge them to do so. A statement of support for this campaign was passed out to people in the room. The Chairperson pointed out that this campaign is part of the implementation of the MP, Objective 2.



## **10. MASTER PLAN UTILIZATION UPDATE**

The Chairperson related that it is the plan of the Committee to discuss MP Utilization during the last two hours of regular TEROC meetings, but this is proving to be a challenge. He said that the new reporting format for the agencies seems to be workable at this point. He added that the Campaign for a Healthy Future is using MP for its work. Other members mentioned that other groups are also using parts of MP in their work and that more and more MP is providing a common framework for work of the tobacco control community in the state.

On a different subject, the Chairperson said he wanted everyone to be aware that after he develops the agenda for a meeting, it has to go to DHS Director's Office for review and approval, and that it is the same for the minutes of meetings. He said that he has an issue with this process, that this is an oversight committee, and that there should be more trust. In addition, he said he is concerned that this process takes weeks and delays getting the agenda and minutes out in a timely manner. The Committee member who represents DHS said that the review is not to change anything but to see if something needs adding or is inaccurate. He said he would convey the Chairperson's concern to the Director.

## **11. PUBLIC QUESTIONS AND COMMENTS**

Mr. Bruce Baldwin from the Butte County Office of Education told the Committee: 1) that the school-based tobacco education program is a necessary part of the successful California model for tobacco control, and 2) that Butte County as well as other northern counties were consistent with the statewide decline in the youth smoking rate although they do not receive the media campaign television ads.

Ms. Sheri Cobra from SJCOE presented slides showing improvement in her county's 7th through 11th graders from school year 1999-00 to 2002-03 in beliefs, and in lifetime and 30-day tobacco use.

### **NEXT MEETING DATES:**

July 21, 2003, 10 a.m. to 5 p.m., Sacramento, Regular Meeting  
October 20, 2003, 10 a.m. to 5 p.m., Sacramento, Regular Meeting

The Chairperson told members that within the next three weeks or so material will be provided to them regarding school-based tobacco control issue and he asked members to be prepared to spend a few hours prior to the next meeting reviewing the material.

**The meeting was adjourned at 3:40 p.m.**

### **ACTION ITEMS**

1. TEROC to send a letter to AG Lockyer commending him for not yielding to pressure in the Illinois class-action lawsuit to allow TI to post a lower bond, and thanking him for his continued pressure on TI to comply with the MSA.
2. TEROC to send a letter to Assembly Member Montañez supporting AB 1033, which would prohibit distribution of free tobacco products, urging her not to give in to the smokeless tobacco lobby.

3. TEROC to send a letter to Assembly Member Vargas supporting AB 846, which would extend the current smoking boundary outside public entrances from 5 to 20 feet.
4. TEROC to send a letter to Dr. Stan Glantz acknowledging receipt of his March 29, 2003, letter and informing him that the Committee is studying the matter and will take action.
5. DHS to provide the members of TEROC with copies of state statutory language concerning mandates for the school-based tobacco education and prevention program.
6. At the July 21, 2003, TEROC meeting DHS should provide the findings from the Independent Evaluation concerning the school-based tobacco education and prevention program and findings from the year 2001-02 in-school surveys.

### **ENCLOSURES**

1. Copy of the *2003 Tobacco Legislative Update* dated May 19, 2003, from Ms. Jamie Morgan of AHA.
2. Copy of DOF's spreadsheet entitled *Cigarette and Tobacco Products Surtax Fund – Expenditures and Available Revenues 2003-04 May Revise (2003-04)*.
3. TEROC May Revise Briefing (TCS)
4. Copy of the handout material from Dr. Michael Ong, University California San Francisco, regarding the health and economic effects of proposed increases in the cigarette excise tax.
5. Copy of the TUPE Competitive Grant Summary for year 2003.

BR/KJ: mp

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